

**FILED**  
At Albuquerque NM

DEC 29 2015

MATTHEW J. DYKMAN  
CLERK

## UNITED STATES DISTRICT COURT

for the

United States of America

v.

Chelsey A. Billy  
DOB: XX-XX1994  
SOC. XXX-XX-9544

Case No.

15-MJ-4524

Defendant(s)

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 22, 2015 in the county of McKinley in the  
State and New Mexico District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 USC 1153	Crimes in Indian Country.
18 USC 113(a)(3)	Assault with a dangerous weapon.
18 USC 113 (a)(6)	Assault resulting in serious bodily injury.

This criminal complaint is based on these facts:

That Defendant assaulted John Doe by intentionally striking or wounding him with a dangerous weapon, a ball peen hammer; as a result John Doe suffered serious bodily injury to his left eye, and orbital socket; and that the crime occurred within the jurisdiction of the Navajo Indian Reservation.

Reviewed by AUSA K. Nayback.

☒ Continued on the attached sheet.

Complainant's signature

Malcolm M. Leslie

Printed name and title

Sworn to before me and signed in my presence.

Date:

December 29, 2015

City and state:

Albuquerque



Judge's signature

KAREN B. MOLZEN  
U.S. MAGISTRATE JUDGE

Printed name and title

Affidavit

I, Malcolm M. Leslie, being duly sworn, depose and states as follows:

1). I am a Senior Criminal Investigator (SCI) for the Navajo Department of Criminal Investigation (NDCI), currently assigned to the Crownpoint Police District, Crownpoint, New Mexico. I have served in the capacity of a Police Officer and a Criminal Investigator of the NDCI for Eleven (11) years and currently have primary investigative responsibilities pertaining to major crimes on The Navajo Indian Reservation, including but not limited to homicide, aggravated assault, sexual assault, crimes against children, and vehicular crashes. I also conduct investigations of non-felony crimes that occur on the Navajo Indian Reservation, including but not limited to non-negligent deaths, burglaries, narcotics, and aggravated battery. The information set forth in this probable cause statement has been derived from my own investigation, communicated to me by other sworn law enforcement officers and other reliable sources.

2). On Tuesday, December 22, 2015, at approximately 9:10 pm, your affiant was notified of a 32 year-old, Native American male, John Doe, a Navajo Tribal member, who was taken to the Crownpoint Public Health Service (PHS) Hospital's Emergency Room by Navajo Nation Emergency Medical Services (EMS), Crownpoint, New Mexico. John Doe had received severe injuries to his left eye, to include orbital fractures, and had sustained three (3) blunt force injuries to his head from Chelsey Alice Billy (Defendant,) a 21-year old Native American female. Defendant is also an enrolled tribal member of the Navajo Nation. The Incident had occurred at Navajo Housing Authority (NHA) #21,

Standing Rock, New Mexico, within the boundaries of the Navajo Nation Reservation.

3). Affiant had spoken with Navajo Police Department (NPD) Patrol Sergeant C. Bryant, who is the first on scene responder and who had spoke with Jane Doe, who lives next door of #21 NHA. Jane Doe is also the mother of John Doe. Jane Doe disclosed that a 14 year-old Juvenile female (Witness #1,) had come to John Doe's home had asked her to come get her son at #21 NHA. Upon Jane Doe's arrival, she disclosed that she had observed John Doe lying on the floor of the living room and two older female's fighting inside of the living room. Witness #1 had called for law enforcement assistance.

4). Sgt. C. Bryant arrived on scene and observed Jane Doe holding John Doe as he slouched against a couch on his left side; John Doe was bleeding from a laceration on his left upper head and one on the back of his head; a laceration to his upper right eye-brow area; and his left eye was swollen shut, with blood coming out from the closed left eye. Sgt. C. Bryant stated that he could smell a strong odor of alcohol emitting from the person of John Doe.

5). Jane Doe disclosed that the homeowner of #21 NHA, Joely Yazzie, was one of the females that had been fighting; and the other female, Lorilee Salt (Lorilee), was the other female. The Defendant, Chelsey Alice Billy, was in the middle of the fight. After the fight broke up, Jane Doe attended to John Doe, and Jane Doe does not know when everyone left the scene.

6). Sgt. C. Bryant then conducted interviews of the Three (3) adult males who he had met outside of #21 NHA. After receiving

information of an eyewitness, 12 year-old juvenile female (Witness #2,) Sgt. C. Bryant then interviewed the Witness #2, who had observed Defendant hit John Doe multiple times in the head and face with a hammer. Witness #2, also disclosed that the fight occurred because Lorilee was talking about Joely's family and that John Doe tried to defend Joely but was too intoxicated as he tried to intervene and that is when Defendant assaulted John Doe with a hammer.

7). Sgt. C. Bryant was informed that Defendant was observed getting into a vehicle outside of her home at #32-A, NHA, Standing Rock. Sgt. C. Bryant had located the vehicle parked behind #6, NHA, Standing Rock and found Defendant inside the vehicle on the passenger side. Upon interviewing the driver of the vehicle, the driver stated that Defendant had disclosed to the driver that she had "beat a guy with a hammer and tossed the hammer." The driver of the vehicle stated that when he had picked up Defendant at her home, she did not have a hammer with her.

8). Due to the limited cell phone services in that area, Affiant had to drive to a location that has cell phone service. As Affiant was making a telephone call, Sgt. C. Bryant stated over the two-way police radio that the homeowner, Joely, had returned back to her residence. Affiant then returned and spoke with Joely.

9). Joely agreed to a "Consent to search" (recorded) of her home at #21 NHA. Joely had also signed the "Consent to search form." Affiant then informed Joely that she observed Affiant conduct the search and evidence collection, which was highly recommended by Affiant. Affiant Located between the east wall and couch of

the living room, a ball-peen hammer, with a brown wooden handle. The ball-peen hammer had red stains on it, and the handle had been cracked down the length of the handle.

10). Writer had spoken with John Doe's Emergency Room Physician at the Crownpoint PHS, Crownpoint, New Mexico. The ER Physician stated that John Doe had a severe injury to his left eye, to which he stated that there is a possibility that the eye could be lost. The left orbital eye socket had been fractured, and that John Doe's nasal sinus passages were filled with blood. John Doe's attending ER Doctor also stated that John Doe had a laceration on the back of his head; another laceration to the left upper portion of his head, and another one on the upper right side of his face, just above the right eyebrow. The ER Doctor also stated that John Doe would be flown out to the UNM Hospital, Albuquerque, New Mexico, but due to the inclement weather, the ER staff had stabilized John Doe and were waiting on the weather to subside.

11). Affiant had conducted an interview of Defendant at the Crownpoint Adult Detention Center. Chelsey was read her Miranda advice of Rights (recorded,) and Chelsey waived her rights and agreed to an interview with Affiant.

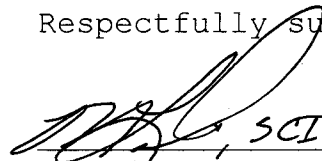
12). Chelsey disclosed that she did hit John Doe with a hammer and that John Doe was throwing water bottles at her mother. Chelsey disclosed that she did not hit John Doe more than 10 times, but she had hit him approximately 4-5 times, and then threw the hammer where Affiant had recovered it from inside of #21 NHA, Standing Rock. Chelsey stated that John Doe deserved what he got, and that Chelsey did not feel remorseful. Chelsey also disclosed that she was on probation, and that she had

checked in with her Navajo Nation Probation Officer that Tuesday morning in Crownpoint. Chelsey had also disclosed that she was 6-months pregnant and admitted to consuming alcohol the evening of the assault.

13). Based on the aforementioned facts, your affiant respectfully submits, that probable cause exists to charge Defendant, Chelsey Alice Billy, who is an enrolled member of the Navajo Nation, with violation of 18 U.S.C §, 1153, and that the crime occurred in Indian Country in the district of New Mexico; 18 U.S.C § 113(a)(3), Assault with a Dangerous Weapon, that the defendant assaulted John Doe with a ball-peen hammer, striking him in the left eye, face, and head; and 18 U.S.C § 113(a)(6), Assault Resulting in Serious Bodily Injury, that John Doe received fractures to his left orbital eye socket, and serious injury to his left eye. John Doe is also an enrolled member of the Navajo Nation.

14). I swear that this information is true and correct to the best of my knowledge and belief.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "M. Leslie", is written over a horizontal line. To the right of the signature, the letters "SCI" are handwritten.

MALCOLM M. LESLIE  
Senior Criminal Investigator  
Navajo Department of Criminal  
Investigation  
Crownpoint, New Mexico

Subscribed and sworn  
to before me this 29<sup>th</sup> day  
of December 2015.

A handwritten signature in blue ink, appearing to read "Karen B. Molys", is written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE